

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 6, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey and Councilmembers Crowley and Paul. Also present were Town Administrator Willi, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

Mayor Truex asked that Councilmember Hubert be excused from the meeting. In a voice vote, with Councilmember Hubert being absent, all voted in favor.

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Mark Casale, Associate Executive Director for the Starting Place, invited Council to visit Starting Place and thanked Council for their support.

Elias Hill opposed the changing of 57th Street to a one-way street. He asked that the Town send the proposal to all residents prior to making their decision. Mayor Truex asked Mr. Willi what the policy was for a street change. Mr. Willi stated that the Town would install signage informing residents that temporary traffic calming measures were going to be implemented for a period of 30-90 days.

Town Engineer Larry Peters indicated that the residents had provided input and that 90-95% of the residents had requested the change. Mr. Hill stated that the residents had requested the road be closed rather than the proposed change to one-way. Mayor Truex asked Mr. Peters when the process would take place. Mr. Peters stated that it would take a couple of weeks. Mayor Truex indicated that he would speak with Mr. Peters to discuss further. Councilmember Crowley indicated that there were public safety concerns of the Police and Fire Departments at the location and indicated that the change was merely temporary.

Mitch Topal, 12720 SW 13 Manor, announced his candidacy for the District 3 Council seat and provided his platform.

Arthur Joseph, 13700 SW 18 Court, indicated his strong opposition to Mayor Truex's mixture of politics and religion. Mr. Joseph indicated his desire for a Charter Review Board.

Norman Blanco, 2080 SW 22 Avenue, criticized Vice-Mayor Starkey on a number of issues, specifically concerning Mr. Willi.

Richard Myres, 1700 SW 83 Avenue, spoke in opposition to Council's recent actions.

David Tibbetts, 2730 South Hiatus Road, felt Council had failed on their promises to residents. He spoke in opposition to a dump that was allowed to be placed in his daughter's neighborhood and requested the resignation of all Councilmembers.

Vice-Mayor Starkey indicated that the Special Master had requested that the dump site be cleaned up and asked Development Services Director Mark Kutney for an update regarding that request. Mr. Kutney spoke regarding a meeting that had been held with staff, the Town Attorney and the site owner's attorney. He stated that the site owner's attorney was appealing the Special Master's ruling and had requested a 60-day extension. Mr. Kutney stated that a name had been provided to the owner for environmental testing of the site. Mr. Kiar advised that the Town was prepared to go to court on the issue. Mayor Truex stated that Council and staff should give this a priority to get the issue resolved.

June Connors, 1701 SW 127 Avenue, indicated that children were suffering from asthma, migraines and allergies due to the dump site in her neighborhood and that she had requested a resolution to the problem three years ago. Mr. Kutney clarified statements made by Ms. Connors. He indicated that

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although the item was brought up three years ago, the Right to Farm Act protections prevented staff from pursuing the owners years ago.

Kathy Tibbetts, 2730 South Hiatus Road, indicated that her granddaughter suffered from migraines because of the operation and asked that Council stop the operation of this business.

Laura Della Penta, 12900 SW 13 Manor, stated that she had e-mailed all Councilmembers regarding the rezoning of the 57-acres on Flamingo Road and thanked Councilmember Paul for being the only one to respond. Mayor Truex indicated that he had responded to all the pros and cons regarding Sheridan House and asked that Ms. Della Penta contact him again. Vice-Mayor Starkey indicated that she gave it her best effort to respond to all residents and apologized to Ms. Della Penta for not responding.

Steven Hill, 7710 NW 33 Street, stated that he had made several requests to Public Works regarding various items that needed to be addressed in the Driftwood Estates neighborhood. He asked Council to have the police discuss the criminal activity in this area. Mayor Truex asked Police Chief John George what measures were being taken to clean up the area. Chief George advised that narcotics investigations were going on in that area and that the department would meet with Mr. Hill to resolve the problems.

Mayor Truex advised that staff had requested that item 4.11 be tabled to August 20, 2003.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table item 4.11. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised of the applicant's request to table item 4.36 to August 20, 2003.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table item 4.36. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that staff requested item 4.38 be tabled to August 20, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table item 4.38. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the applicant had requested that item 4.41 be withdrawn.

Mayor Truex advised that staff requested item 6.7 be tabled to August 20, 2003.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table item 6.7. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that staff requested item 6.9 be tabled to August 20, 2003.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to table item 6.9. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that staff requested item 6.13 be tabled to August 20, 2003.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to table item 6.13. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that staff requested item 6.14 be tabled to August 20, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table item 6.14. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the applicant had requested that item 6.15 be tabled to August 20, 2003.

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Councilmember Paul made a motion, seconded by Councilmember Crowley, to table item 6.15. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 9.1 to the agenda. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 9.2 to the agenda. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. May 21, 2003 - Regular Meeting
- 4.2. May 29, 2003 - Workshop Meeting
- 4.3. June 4, 2004 - Regular Meeting
- 4.4. June 18, 2003 - Regular Meeting

Home Occupational Licenses

- 4.5. The Custom Touch, 13930 SW 36 Court
- 4.6. Lift Tech International, 14501 SW 17 Court
- 4.7. M & D Paper Company, Inc., 11873 SW 42 Court
- 4.8. WPR Contracting, Inc., 3400 Fairfax Lane

Resolutions

- 4.9. **HORSE TRAIL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-177 AFFIRMING THE CURRENT LOCATION OF THE HORSE TRAIL ALONG THE
FOREST RIDGE COMMUNITY. (tabled from June 18, 2003)
- 4.10. **CONTRACT RESTORATION** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA APPROVING THE RESTORATION OF INITIAL LANGUAGE TO TOWN
ADMINISTRATOR'S CONTRACT TO REQUIRE A MAJORITY VOTE OF TOWN
COUNCIL IN THE EVENT OF DISMISSAL WITHOUT CAUSE; INCLUDING A
PROVISION FOR A TWELVE (12) MONTH SEVERANCE; AMENDING THE
EXISTING CONTRACT; PROVIDING FOR SEVERABILITY AND PROVIDING
FOR AN EFFECTIVE DATE. (tabled from June 18, 2003)
- 4.11. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE
ON THE SUBDIVISION PLAT KNOWN AS THE PRIMA PROFESSIONAL CAMPUS
PLAT; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 8, 2003) (DG 3-3-
03, 7901 Davie Road Extension)
- 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2003-179 THE BID FOR CONSTRUCTION OF A MULTI-USE TRAFFIC CROSSING AT
GRIFFIN ROAD AND SW 66 AVENUE. (MasTec North America, Inc. - \$66,465.40)

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- 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2003-180 THE BID FOR CONCRETE RECREATIONAL PATHS. (Doug Amos Construction, Inc.
- \$150,000 year)
- 4.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2003-181 THE BID AWARDED BY THE SCHOOL BOARD OF BROWARD COUNTY, BID
NO. 20-148T FOR SUPPLYING RUNNING TRACK SURFACING AND STRIPING
FOR NOVA HIGH SCHOOL. (Southwest Recreational Industries, Inc. for running track
surfacing and striping in the amount of \$88,682.24)
- 4.15. **CONTINGENCY TRANSFER** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-182 FLORIDA, AUTHORIZING THE TRANSFER OF FUNDS FROM CONTINGENCIES
TO EMPLOYEE ACTIVITIES AND AUTHORIZING THE EXPENDITURE OF SAID
FUNDS TO HOST A SUMMER BARBEQUE FOR TOWN EMPLOYEES AT DAVIE
PINE ISLAND PARK. (not budgeted - \$7,500)
- 4.16. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-183 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 2
BETWEEN THE TOWN AND WHARTON-SMITH, INC. FOR WATER PLANT
IMPROVEMENTS AND WATER TRANSMISSION MAIN. (net increase of \$34,730)
- 4.17. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-184 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND/OR
APPROPRIATE STAFF TO SUBMIT AN APPLICATION, AND IF AWARDED
PERMISSION TO ACCEPT GRANT FUNDING UNDER THE COPS IN SCHOOL
GRANT FOR \$250,000 ALLOCATING A COST OF APPROXIMATELY \$169,798
OVER A THREE YEAR PERIOD FOR THE REMAINDER OF THE OFFICERS'
SALARIES.
- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-185 SELECTING THE FIRM OF WIDELL, INC. TO DESIGN/BUILD ON-SITE
CHLORINE GENERATION SYSTEMS AND AUTHORIZING THE TOWN
ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR
SUCH SERVICES.
- 4.19. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-186 FLORIDA, AUTHORIZING THE TOWN TO EXECUTE AN AMENDMENT TO THE
INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE
DEVELOPMENT OF A CONTINUITY OF OPERATIONS PLAN FOR HOMELAND
SECURITY IN ORDER TO EXTEND THE TERMINATION DATE.
- 4.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-187 AUTHORIZING THE TOWN ADMINISTRATOR OR DESIGNEE TO APPROVE AN
AGREEMENT WITH DISASTER RESOURCE MANAGEMENT, LLC, PROVIDING
FOR CONSULTANT SERVICES AND FEES RELATED TO THE DEVELOPMENT
OF A CONTINUITY OF OPERATIONS PLAN (COOP) GRANT AWARDED BY
FEMA; AND PROVIDING AN EFFECTIVE DATE.

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- 4.21. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-188 FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE
A REVISED AGREEMENT WITH BROWARD COUNTY FOR PUBLIC
TRANSPORTATION SERVICES THROUGH THE USE OF SIX COUNTY BUSES,
WITH TWO BUSES TO CONTINUE PROVIDING AN EXPRESS SHUTTLE
BETWEEN THE SOUTH FLORIDA EDUCATION CENTER CAMPUSES AND THE
FORT LAUDERDALE AIRPORT TRI-RAIL STATION; TWO BUSES TO CONTINUE
PROVIDING AN EASTERN DAVIE TRANSIT ROUTE; AND TWO NEW BUSES TO
PROVIDE A WESTERN DAVIE TRANSIT ROUTE; AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.22. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-189 FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE
A REVISED AGREEMENT WITH THE SOUTH FLORIDA EDUCATION CENTER
(SFEC) FOR OPERATION AND FUNDING OF AN EXPRESS SHUTTLE BETWEEN
THE SOUTH FLORIDA EDUCATION CENTER CAMPUSES AND THE FORT
LAUDERDALE AIRPORT TRI-RAIL STATION; AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.23. **HOLIDAY SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-190 FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF
DAVIE DURING FISCAL YEAR 2003-2004; AND PROVIDING AN EFFECTIVE
DATE.
- 4.24. **BONDS** - A RESOLUTION PROVIDING FOR THE ISSUANCE, FROM TIME TO
R-2003-191 TIME, OF REVENUE BONDS OF THE TOWN TO PAY THE COST OF
IMPROVEMENTS TO THE TOWN'S WATER AND SEWER SYSTEM AND TO
REFUND BONDS ISSUED HEREUNDER AND OTHER DEBT OF THE TOWN;
PROVIDING FOR THE PAYMENT OF SUCH BONDS AND INTEREST THEREON
FROM REVENUE DERIVED FROM THE TOWN'S WATER AND SEWER SYSTEM
AND CONTRIBUTION CHARGES RECEIVED BY THE TOWN IN CONNECTION
WITH THE SYSTEM; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$31,000,000 TOWN OF DAVIE, FLORIDA WATER AND SEWER REVENUE
REFUNDING BONDS, SERIES 2003 FOR THE PURPOSE OF REFUNDING AND
DEFEASING THE TOWN'S OUTSTANDING WATER AND SEWER
IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 1992; SETTING
FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS;
PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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- 4.25. **BONDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA PROVIDING
R-2003-192 FOR THE ISSUANCE OF NOT TO EXCEED \$31,000,000 TOWN OF DAVIE, FLORIDA WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2003, FOR THE PURPOSE OF REFUNDING THE TOWN'S OUTSTANDING WATER AND SEWER IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 1992; FIXING CERTAIN TERMS AND DETAILS OF SUCH BONDS; PROVIDING FOR A NEGOTIATED SALE OF SUCH BONDS, AWARDING SUCH BONDS TO SUNTRUST CAPITAL MARKETS AND CITIGROUP CAPITAL MARKETS INC. AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT WITH RESPECT THERETO; AUTHORIZING THE REFUNDING OF THE TOWN'S WATER AND SEWER IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 1992; APPOINTING AN ESCROW AGENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; PROVIDING FOR THE TRANSFER OF MONEYS HELD WITH RESPECT TO THE TOWN'S WATER AND SEWER IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 1992; DIRECTING THE APPLICATION OF THE PROCEEDS OF SUCH BONDS; PROVIDING FOR CERTAIN MATTERS RELATED TO THE BOND REGISTRAR AND PAYING AGENT FOR SUCH BONDS; APPROVING THE FORM OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; APPOINTING THE BOND REGISTRAR AND PAYING AGENT FOR SUCH BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS BETWEEN THE TOWN AND THE BOND REGISTRAR AND PAYING AGENT; APPROVING A COMMITMENT FOR INSURANCE ON SUCH BONDS AND A SURETY BOND FOR THE RESERVE ACCOUNT; PROVIDING FOR CERTAIN MATTERS REQUIRED BY THE BOND INSURER WITH RESPECT TO THE SERIES 2003 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCIAL GUARANTY AGREEMENT IN CONNECTION WITH THE SURETY BOND; AUTHORIZING OTHER REQUIRED ACTIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.
- 4.26. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2003-193 BOUNDARY PLAT KNOWN AS LOVY'S ACRES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.
- 4.27. **REPLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION DG 7-3-03, CONSENTING TO AN APPLICATION FOR FINDINGS OF ADEQUACY FOR THE SPIELMAN-MARGOLIS REPLAT (168-46); AND PROVIDING FOR AN EFFECTIVE DATE.

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- 4.28. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-194 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE STIRLING
ROAD TRIANGLE PLAT; AND PROVIDING AN EFFECTIVE DATE.
- 4.29. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-195 FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS
LINE OF THE "NEW WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE.
- 4.30. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-196 FLORIDA, APPROVING APPLICATION DA 5-1-03, CONSENTING TO AN
APPLICATION FOR FINDINGS OF ADEQUACY FOR THE C&F PLAT (164-31);
AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.31. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-197 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO
ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, AND
STONEBROOK ESTATE, LTD, FOR A MODIFICATION TO THE STONEBROOK
ESTATES SITE PLAN; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING
THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.32. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-198 APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN
CASE NO. 97-310 FROM \$75,352.22 IN AMOUNT (\$46,000 PLUS \$29,352.22 IN
INTEREST AND RECORDING FEES) TO \$8,385.00; AND PROVIDING AN
EFFECTIVE DATE. (Altschuler)
- 4.33. **ROAD ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-199 ACCEPTING \$20,000.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND
DRAINAGE ASSESSMENT LIEN UPON PARCELS 35A, 30, 31, AND 29; AND
PROVIDING FOR AN EFFECTIVE DATE.
- 4.34. **BUDGET AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-200 FLORIDA, AMENDING THE TOWN'S FISCAL YEAR 2003 BUDGET TO REFLECT
ADDITIONAL REVENUES AND AUTHORIZE ADDITIONAL APPROPRIATIONS
IN THE AMOUNT OF \$7,027.00.

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- 4.35. **ESTIMATED RATE ASSESSMENT - A RESOLUTION OF THE TOWN OF**
R-2003-178 **DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Site Plans

- 4.36. **APPLICANT REQUESTING A TABLING TO AUGUST 20, 2003**
SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from July 8, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*
- 4.37. SP 6-3-02, Stone Creek, 7690 Stirling Road (RM-8) *Site Plan Committee recommended denial*
- 4.38. SP 2-6-03, Village Parc Townhomes, 7901 Davie Road Extension (B-2) *Site Plan Committee recommended approval based on these remaining items from the planning report: 1) That the pedestrian crossways at the community facilities be concrete pavers; 2) that the park area by the cabana would be shown with the benches and picnic tables; 3) that the applicant would correct LS-1 and ST-1 to match the site plan; 4) that the relocation of existing trees be discussed with the Town's Urban Forester Mike Orfanedes for his opinion on whether they would be moved to good locations; 5) that items 6, 7, 9 and 10 remain to be left to the direction of Mr. Orfanedes; 6) that the pool house needs corrections and needs a larger plan showing the bathrooms; take out the planters and have a five-foot wall with plantings on the inside at the pool deck area as well as landscaping on the outside of the wall; 7) label the roof material on the plans; 8) that the parking in front of the units should be labeled 18-foot wide driveways thereby eliminating the compact indication in the spaces in front of the units; make an 18-foot paved area and increase the green area between those driveways; and then look into whether or not a tree could be placed in the larger green area; 9) put in the vertical banding on the unit's rear elevations which would be at the unit separations; 10) provide a photometric plan; make certain that SP-2 and DO-2 match; show the lighting poles and their locations; if base protection was needed because no protective curbing was by the light poles, a poured concrete base may be needed to which the light pole would be mounted; 11) postal delivery was recommended to be located at the cabana area in one central pavilion with "pull off" areas off the main drive, if the Post Office approves*

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Temporary Use Permits

4.39. TU 6-3-03, Colonnade Construction Group, 5200 South University Drive

4.40. TU 7-3-03, Luke's Place, 3558 South University Drive

4.41. TU 7-4-03, Penmar Seventh Day Adventist Church, 3375 NW 74 Avenue

Councilmember Crowley requested that items 4.9 and 4.10 be removed from the Consent Agenda. Vice-Mayor Starkey requested that items 4.13, 4.24 and 4.25 be removed. Councilmember Paul requested that items 4.26 and 4.27 be removed. Mayor Truex requested that items 4.30, 4.35, 4.37 and 4.39 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve the Consent Agenda without items 4.9, 4.10, 4.13, 4.24, 4.25, 4.26, 4.27, 4.30, 4.35, 4.37 and 4.39. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.9 Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve with the deletion of the wording "South Florida Trail Riders Association" and the replacement of language that would state "residents and other equestrians". In a voice vote, with Vice-Mayor Starkey dissenting and Councilmember Hubert being absent, all voted in favor. (Motion carried 3-1)

4.10 Vice-Mayor Starkey voiced her opposition to this item. Mayor Truex suggested tabling the item to August 20, 2003 as he was not in favor of this issue as he and Vice-Mayor Starkey would be voting against it. Councilmember Paul disagreed with tabling the item.

Vice-Mayor Starkey made a motion to deny. The motion died for lack of a second.

Mr. Willi advised that he made an offer to Council and Council could make a counteroffer. Councilmember Crowley asked Mr. Willi if he had any objection to revising the original contract prior to the supermajority contract. Mr. Willi advised that he would be open to the contract as it was on January 1, 2003, with the minor revisions that he was asking for and to delete the wording of the supermajority requirement.

Mayor Truex made a motion, seconded by Vice-Mayor Starkey, to deny item 4.9. In a voice call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - no; Councilmember Hubert - absent; Councilmember Paul - no. (Due to a tie, this item was automatically tabled to August 20, 2003.)

4.13 Vice-Mayor Starkey inquired as to the rationale for holding a price for four years. She felt that going past two years was not a good idea. Assistant Town Administrator Ken Cohen indicated that this was in the best interest of the Town.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4.24 and 4.25 Vice-Mayor Starkey inquired if this bond was for utilities and fire services. Finance Director Bill Underwood indicated that these bonds were strictly for water and sewer services.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve both items. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

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4.26 Councilmember Paul inquired as to the protection of the existing equestrian trail on the east side of SW 139 Avenue. Gus Aguirre, representing the petitioner, advised that the trail was outside the boundaries of the plat and would not be affected.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4.27 Councilmember Paul inquired about the plan for a building on the site. Barbara Hall, representing the petitioner, stated that this was a request to apply to Broward County to reinstate the concurrency that was currently attached to the plat. She indicated that there would be no changes on the plat, but that the County's regulations would require the plat to expire after five years if not renewed.

Councilmember Paul asked how this affected the settlement agreement and questioned if the Town could use this as leverage to change the settlement agreement. Ms. Hall felt that the Town had no leverage at this time, but the item would have to go before the Town in the future at site plan.

Mayor Truex stated that he would not want to move on this issue until Mr. Kiar reviewed this issue further and felt that this issue could be tabled. Ms. Hall felt that time was of the essence and did not want to delay the process. Mayor Truex asked if August 20th would be too late. Ms. Hall stated that if the item was deferred for two weeks, this would cause a time issue and would need Council's indulgence.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table to August 20, 2003. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4.30 Mayor Truex stated that the Site Plan Committee had denied the item and suggested that the item be tabled subject to the Committee's review.

Sarah Stewart, representing the petitioner, stated that tabling would delay the process and that they had complied with all requests of the Committee. She asked that the item be approved contingent upon the Committee's approval on August 12th rather than tabling to August 20th.

Vice-Mayor Starkey stated that the Committee had recommended the link of the sidewalk to the adjacent street and wanted assurance that this would be done. Ms. Stewart stated that it had been done.

Mayor Truex stated that he would rather table to August 20th to be able to speak with Mr. Kiar further on the issue.

Councilmember Paul asked if it would be appropriate to approve this item contingent upon Site Plan Committee's approval rather than coming back to Council.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, with Mayor Truex dissenting and Councilmember Hubert being absent, all voted in favor. (Motion carried 2-1)

4.37 Councilmember Crowley made a motion, seconded by Councilmember Paul to table to August 20, 2003. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4.35 Mayor Truex asked what the public hearing process was on this issue with Mr. Willi explaining.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul to approve. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

4.39 Mayor Truex asked if a condition could be added that would tie the special permit to the Certificate of Occupancy. Mr. Kutney indicated in the affirmative.

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Councilmember Crowley suggested that the trailer could be placed on the south end of the property instead of adjacent to the existing townhouses on the north side.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve subject to the trailer being moved to the south end of the property and tying the approval to the issuance of the Certificate of Occupancy. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

6. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 6.1. **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE,**
2003-26 **FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE**
TOWN OF DAVIE FOR FISCAL YEARS 2004-2008. (tabled from July 8, 2003)
{Approved on First Reading July 2, 2003 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Kerry Waldee, 13450 SW 40 Street, spoke as Chair of the Budget Advisory Committee. He praised Assistant Town Administrator Ken Cohen and inquired about some of the Town Hall expansion projects. Mr. Waldee asked Council to give Chief George an opportunity to explain his department's needs.

Mayor Truex closed the public hearing.

Mr. Cohen indicated that two new projects were added and entered into the record as Exhibit A.

Councilmember Paul spoke regarding the \$38,000 for Christmas decorations and asked that they expand the decorations to include the bridge across the Old Davie School.

Vice-Mayor Starkey made a motion, seconded by Mayor Truex, to approve the Capital Projects with the additions of the two improvement items.

Councilmember Paul asked Chief George to explain the new records management software program and why he felt the need. Chief George indicated that it had been an ongoing issue since 1997 and indicated that he felt that the current provider was not properly serving the Town. Mr. Willi indicated that the Police Department was looking to change the software for records management, but there needed to be caution given to ensure compatibility with the system purchased by the rest of the Town. Chief George reiterated the Police Department's need for the new system.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - yes. (Motion carried 4-0)

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6.2. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2003-27 **APPROVING REZONING PETITION ZB 3-3-03, CHANGING THE**
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM
AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES; AMENDING
THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Legg/Sheridan
House, Inc., 1700 Flamingo Road) *Planning and Zoning Board recommended denial*
{Approved on First Reading July 8, 2003 - approved 4 -1 with Councilmember Paul
dissenting}

Town Clerk Muniz read the ordinance by title. Mayor Truex opened the public hearing portion of the meeting.

Mr. Kiar indicated that this was not a quasi judicial hearing, but a public hearing; therefore, it would not follow the same rules of order as a Quasi Judicial proceeding. Councilmember Paul stated her dismay that there would not be a second quasi judicial hearing and was opposed at Council's handling. Mayor Truex stated that everyone would have ample opportunity to speak on the issue.

William Hewlett, 11932 SW 11 Court, spoke in favor of the Sheridan House project.

Harry Schaeffer, 4940 SW 61 Avenue, spoke in favor of the Sheridan House project and asked that all people treat each other with respect.

Linda Greck, 3121 SW 116 Avenue, commended the people of Sheridan House and spoke in favor of the project.

Dennis Mele, representing the petitioner, indicated that the Town Code, as well as Florida Statutes, provides for only one quasi judicial hearing for rezonings.

James Brady stated that he would make a presentation and requested that he be afforded the opportunity to cross-examine the petitioner. Mr. Mele indicated that Mr. Brady was the attorney for the City of Lauderdale Lakes and they also have one public hearing.

Mayor Truex stated that he felt the process was fair and that everyone would be given ample time to speak regarding this issue. He stated that no one would be sworn in under oath.

Councilmember Paul made a motion to appeal the decision made by Mayor Truex. The motion died for lack of a second.

Mr. Mele stated his objection of Mr. Brady having any standing different than anyone else. He stated that he had submitted an Agreement of Use Restriction and would be happy to answer any questions.

Vice-Mayor Starkey voiced her concern regarding the name of the corporation and how it read. Mr. Mele stated everything would be changed to the corporate name of Sheridan House, Inc. Vice-Mayor Starkey stated that as far as notice, the Town Clerk's Office should also be noticed as well as the Mayor. Mr. Mele agreed to add the Town Clerk and Mayor.

Vice-Mayor Starkey asked about the maximum total of residents at Sheridan House. Mr. Mele stated that they had no objections to all changes.

Stephen Fink, 14105 Old Sheridan Street, thanked Council for their vote on the issue on July 8th. He felt that the majority of the residents were in favor of the project and asked Councilmember Paul to open her mind and vote in favor of the project.

Bob Barnes, Sheridan House representative, thanked Council for their vote.

Paul Harden, 9625 East Treetops Court, stated that he felt Sheridan House was a phenomenal resource to the community of Davie. He stated that at the Planning and Zoning Board meeting, he heard several representations made by those opposed that were untrue.

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Kathie Smith, 4220 SW 53 Avenue, 16-year resident, commended Council on their favorable vote for Sheridan House.

Eugene Lee spoke in opposition to the Sheridan House project and felt that Council had betrayed the residents by voting in favor of this project. He chastised Mayor Truex and Council for voting based on their religion. Vice-Mayor Starkey spoke of how she did not vote based on religion, but rather in the best interests of all the Town's residents.

Danna McDonald, 1070 SW 29 Place, thanked Council for their favorable vote at the last meeting and offered her support in their re-election campaigns.

Ruth Dreyer, 11555 SW 21 Court, thanked Councilmember Paul for listening to the residents and felt that the Town should be a democracy and not a theocracy.

Marlys Collins, 1641 SW 127 Avenue, spoke in favor of Sheridan House and felt that the program was a great asset to the community.

Robert Taylor, 9901 SW 23 Street, stated that he had supported the Town for the last 20 years. He stated that he supported the project and felt that it improved the community.

Greg Tait, 12041 Ashford Lane, thanked Council for their vote and asked that Councilmember Paul change her mind on the issue. He indicated that Mr. Brady did not represent the Hamlet Community.

Theresa Fitzgerald, 3671 SW 60 Avenue, stated that she had attended a seminar by Sheridan House for single mothers and spoke of how it had changed her life and that of her sons.

Rick Hornsby, 3991 East Ridgeway Drive, spoke in favor of the project and thanked Council for their time and effort regarding this project.

Daniel Sawyer, 10415 SW 23 Court, voiced his appreciation for a favorable vote.

Randy and Debbie Iten, 5911 South University Drive, spoke in favor of the project and asked Council to vote favorably again for the project.

Danielle Rinehart, 3221 Overlook Road, supported the project and thanked Council for their favorable vote. She stated that she was 100% for the Sheridan House project and would turn to them for help if needed.

James Iten, 14319 SW 17 Street, thanked Council for their work and supported the Sheridan House project.

Doug Johnson, 1521 SW 120 Terrace, read from the case of NSU vs. Josephine Wagner pertaining to the severe injury suffered by two children from residents of a similar group home. He stated that he felt there should be a written restriction regarding allowing only children under the age of 13 without criminal backgrounds.

Margaret Sherrod, 1901 SW 118 Avenue, indicated that she and many residents had visited the existing Sheridan House location. She voiced her opposition to the proposed location of Sheridan House and felt that Council was motivated by religion.

Heather Finney, 2781 West Davie Alpha Circle, spoke in favor of the project and stated that she would utilize the services of Sheridan House if needed. She thanked Council for their favorable vote.

Ron Phillips stated that his opposition was to the CF zoning and not Sheridan House and inquired about the economic impact of taking 57 acres off the tax roll. She did not believe that single-family homes on an acre of land would be a negative cost to the Town.

Laura Della Penta, an Orange Tree Lakes resident, spoke in opposition to the project and stated that she was not opposed to Mr. Brady speaking for her. She asked Council to respond to the issue of whether there would be a restriction placed on the age and criminal background of the children at Sheridan House. Ms. Della Penta asked Council if they would be addressing the issue of the 2,500-foot separation in CF facilities. Mayor Truex stated that this did not apply.

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Alicia Davis, 11465 SW 10 Court, thanked Council for listening to all residents at the last meeting. She stated that she was appalled by the behavior of the people who were opposed to Sheridan House and took offense to the threats made by opposing residents.

Ruth Phillips, 11916 Acorn Drive, felt that the Town was not adhering to the Master Plan and stated that Council had the responsibility to stand by that Plan.

George Phierson, 11975 SW 15 Court, spoke in opposition to the project and felt that the decision had already been made to approve the project prior to coming before Council.

John Tweeton, 1740 SW 120 Terrace, thanked Councilmember Paul and the Planning and Zoning Board for voting against the project. He felt that Council had turned this issue into a NIMBY issue and that the Sheridan House should be required to secure a loan for \$25 million.

Linda Hyotte, 4422 SW 84 Terrace, spoke about her past experiences at a similar facility and felt that the residents and Sheridan House could co-exist in the same community. She asked that Council approve the project.

Debra Tam, 1540 SW 119 Terrace, asked that if the sign read Sheridan House Ministries, would it be considered a house of worship. She stated her opposition with the proposed deed restrictions because deed restrictions could be changed at any time. Ms. Tam asked why Mr. Barnes never spoke with the residents until there was such opposition to the project.

Tom Taggart, 3290 SW 139 Terrace, spoke in favor of the project and thanked Council for their decision to approve the project.

Kathy Osbourne, 1301 SW 129 Way, stated that she interviewed the families that came to Sheridan House and that they serve all denominations.

Alyse Wolford, 3860 SW 61 Avenue, spoke of her support in the project and her pride in the Council.

Scott Brandon, 886 SW 120 Way, stated that he has been associated with Sheridan House Ministries since 1989, that the organization was filled with integrity, and that Council had made the right choice in their favorable vote.

Denise Roskowski, 2691 SW 110 Way, stated that she felt Sheridan House was a wonderful organization, but not on Flamingo Road. She asked Mr. Mele if this facility was considered temporary lodging with supervision and more than 16 residents. Ms. Roskowski asked for clarification between a quasi judicial hearing and a public hearing. Mayor Truex asked that Mr. Kiar reiterate the procedure.

Harvey Johnson, 2841 SW 116 Avenue, stated that he believed the land use met the criteria of the Master Plan and stated that it was Sheridan House's policy not to take in kids coming out of the criminal justice system. He thanked Council for their efforts.

Claudette Bonville voiced her displeasure with Vice-Mayor Starkey and thanked Councilmember Paul for supporting her district.

Philip Busey, 837 SW 120 Way, stated that for something as important as the Sheridan House issue, it should be tabled for further review. He stated that the issue of Mr. Willi's contract should not be tabled and should be resolved immediately.

Mr. Brady entered exhibits C, D and E into the record. He asked if the facility was licensed by the Department of Health and Rehabilitative Services and what licenses, if any, have been issued by HRS. Mr. Brady asked if the facility was a non-profit facility, if the facility provided residential childcare, family care and youth services. He asked what the age group was for which they provided services and if they provide 24-hour care to children and delinquent children. Mr. Brady asked if they limited their clientele to the local neighborhood or the Town and if so, what those limits were. He asked if they provided services for more than 35 full-time residents exclusive of staff and if the operation of the administrative building was limited solely to on-campus involvement. Mr. Brady asked if the use of the multi-purpose building was limited solely to residents and staff of the facility and if it would be used for

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seminars. He asked if job-training would be provided and if staff would be living on the premises full-time. Mr. Brady stated that if he was not able to cross-examine staff and Mr. Mele, he felt the due process rights were violated. Mayor Truex did not feel that Mr. Brady had any legal standing to cross-examine Mr. Mele.

Mr. Mele requested that the Town Clerk supply him with copies of the exhibits. He stated that Mr. Brady had the opportunity at the July 8th hearing to cross-examine and did not exercise that right.

Mayor Truex closed the public hearing.

Councilmember Paul asked Mr. Mele to answer some of the questions raised by Mr. Brady. Mr. Mele reserved his right to answer because he felt the proceedings were improper.

Mr. Brady attempted to clarify the legal procedures referred to by Mr. Mele.

Mayor Truex spoke of a letter he had received that he did not respond to because he felt the issues raised were unreasonable. He spoke of the Master Plan and added that what Sheridan House was seeking to do was consistent with the Town's Master Plan. Mayor Truex advised that he supplied a list to anyone that requested it regarding his reasons for his favorable vote. He objected to the comments made about his decision on the issue being connected to his faith and that he did not connect his faith with his decision regarding Sheridan House. Mayor Truex stated he was strongly opposed to postponing the decision of this project.

Councilmember Crowley encouraged the residents to request the e-mails that Council had received on this issue. He stated that he based his decision on the concerns of all Davie residents.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve.

Councilmember Paul spoke regarding the reference made as to her needing to open her mind and felt that she had an open mind. She stated that as a retired teacher, she had always looked to assist children, but that she also had a responsibility to look at the law. Councilmember Paul spoke on the issue of deed restrictions and reiterated that they could be changed in the future. She asked if Sheridan House had been denied their tax exempt classification and if it included going before the Value Adjustment Board. Mr. Mele stated that they did go before the Value Adjustment Board and had received a tax exempt status from Broward County. She again stated that she had an open mind and had to remain with her decision against the project.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - no. (Motion carried 3-1)

Mayor Truex recessed the meeting at 11:56 p.m. and reconvened at 12:02 p.m.

Councilmember Paul indicated that she was not feeling well and asked to be excused. She spoke briefly about the construction on Shotgun Road and asked that residents be cautious in that area.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to excuse Councilmember Paul. In a voice vote, with Councilmember Hubert being absent, all voted in favor. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held August 20, 2003)

6.3. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 5-1-02, VACATING RIGHT-OF-WAY AND EASEMENTS WITHIN SECTION 26, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE PLAT KNOWN AS NOVA PLAZA ADDITION (129-26); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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(VA 5-1-02, Cassidy, 6045 SW 45 Street) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that the public hearing would be held on August 20, 2003.

Town Engineer Larry Peters summarized the planning report and indicated that there was a revised sketch of a survey which he entered into the record. He outlined amended language to the ordinance.

Neil Kalis, representing the petitioner, explained the necessity for the vacation.

Vice-Mayor Starkey disclosed that she spoken to Mr. Kalis regarding the right-of-way adjacent to the property. Mayor Truex disclosed he had spoken to Mr. Kalis as well.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

6.4. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 BY AMENDING RULE X, SECTION 3(c) OF THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS REGARDING VACATION LEAVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that the public hearing would be held on August 20, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey felt that this was a good policy move and would benefit the Town and its employees.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve.

Mayor Truex advised that he did not think this was a good idea and felt the proposal gave employees a raise in lieu of vacation time. He felt it was important for employees and their families to take vacation time. Vice-Mayor Starkey felt that it provided less stress to the employees to use their vacation time without losing it.

Mr. Cohen indicated that this proposal would give senior employees the opportunity to cash in their vacation time since they were not always able to get away. He stated that perhaps employees should be obligated to take at least one week per year to avoid carrying over and cashing their time out.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Due to a 2-1 vote, this item was automatically tabled to August 20, 2003)

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- 6.5. **ORDINANCE AMENDMENT** - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA RELATING TO ORDINANCE NO. 96-33, THE FIRE RESCUE ASSESSMENT ORDINANCE; AMENDING 2.13, "INTERIM ASSESSMENTS;" AMENDING THE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that the public hearing would be held on August 20, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

Ordinances - First Reading/Quasi Judicial Items (Second and Final Reading to be held August 20, 2003)

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (County), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO BP, BUSINESS PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZB 11-1-02, University Commons/College Business Park, 6535-6555 Nova Drive) (tabled from July 8, 2003)
Planning and Zoning Board recommended approval

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that the public hearing would be held on August 20, 2003. He turned the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning Supervisor Marcie Nolan summarized the report.

Jon Voight, representing the applicant, spoke on the merits of the rezoning.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

- 6.7. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 COMMUNITY BUSINESS DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Merlo/Davie Road, LLC, 7901 Davie Road Extension) (tabled from July 8, 2003) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

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- 6.8. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-03, AMENDING THE LEGAL DESCRIPTION OF THE WESTERN THEME DISTRICT BOUNDARIES OBTAINED IN LAND DEVELOPMENT CODE SECTION 12-386, ENTITLED "BOUNDARIES"; TO CHANGE THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT, WESTERN THEME OVERLAY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (CRA/FMC Telecommunications, 6075 SW 45 Street) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney entered into record Exhibit A which was a letter from Community Redevelopment Advisory Chair Joan Kovac supporting the rezoning.

Neil Kalis, representing the petitioner, concurred with Mr. Kutney's report and stated that a site plan would be presented in the next 30-45 days.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex disclosed that he had spoken to Mr. Kalis and Mr. Allen. Vice-Mayor Starkey disclosed that she had spoken with Mr. Kalis and had received a letter from Ms. Kovac.

Councilmember Crowley disclosed he spoke with Mr. Kalis and received a copy of the letter from Ms. Kovac.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

- 6.9. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 8100 Stirling Road) (tabled from July 2, 2003) *Planning and Zoning Board recommended denial with the recommendation of rezoning to the least intensive commercial zoning to retain more control over the uses as there was not a conceptual site plan presented with this B-3 rezoning request*

This item was tabled earlier in the meeting.

Quasi Judicial Items

- 6.10. **SPECIAL PERMIT** - SE 4-2-03, Synalowski/United Jewish Community of Broward County (Jewish Federation), 5890 South Pine Island Road (CF) (allow for a Community Business Enterprise Zone to be housed in their 31,369 square foot office building) (tabled from July 2, 2003) *Planning and Zoning Board recommended denial*

Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report.

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Manny Synalovski, representing the petitioner, spoke of the need for the special permit and indicated that whatever portion of the space rented, the Jewish Federation would pay the appropriate tax regardless of their non-profit status. He stated they did not anticipate any large tenants.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex disclosed that he had spoken with Mr. Synalovski.

Vice-Mayor Starkey stated that the JCC was a phenomenal organization, however, voiced her concern regarding leasing facilities that were in a community facility under the special use permit. Mr. Synalovski stated that the JCC had no interest in being landlords. He stated the existing parking would satisfy any required parking for the office users.

Mayor Truex felt the JCC made a great contribution to the community and stated that if Mr. Synalovski agreed to twice a year reports by staff, he would be in favor of approval.

Councilmember Crowley asked how the five-year term was determined. Mr. Kutney indicated that the petitioner suggested that timeframe. Councilmember Crowley felt he would be more comfortable with a three-year term. Mr. Synalovski proposed a three-year term with a three-year renewal. Councilmember Crowley was in agreement with that proposal.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve subject to the three-year timeframe and the three-year renewal with twice a year reporting. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

- 6.11. **SPECIAL PERMIT** - SE 5-1-03, Chamberlain and Epstein/Dream Homes of Davie, LLC., 3900 Joan's Way (A-1) (to fill 43,600 cubic yards of the site) *Planning and Zoning Board recommended approval based upon the following stipulations: 1) work hours to be from 8 a.m. to 5 p.m., Monday through Friday; 2) the applicant was to clean up any mess or "fugitive dust" on the road with 24 hours; 3) that there be "sufficient" bond set; and 4) that road repairs be made on a monthly basis*

Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Peters summarized the planning report.

Nathan Chamberlain, the petitioner, felt the request stood on its own.

Mr. Kiar opened the public hearing portion of the meeting.

Michael Bartlett, 4301 SW 105 Avenue, felt that Camelot should not be developed and that the trucking of fill would have a negative effect on his community. He asked that Council deny the permit.

Mayor Truex asked about a right-of-way west of 105th Avenue. Mr. Bartlett indicated that this was a complicated issue.

Tina Pellicane, 10431 Orange Drive, stated that the developer wanted to bring in 30% more fill than he was currently asking for and asked that Mr. Chamberlain address that issue. She expressed her concern regarding the amount of water the pond on the property would hold. Mr. Chamberlain explained that the area where the pond currently exists was dredged very shallow and that the new pond would be dredged deeper.

Peter Dunn, 4350 SW 105 Avenue, stated that the sign that noticed the meetings was located inside a locked gate and not accessible, which may explain the low turnout of residents. He voiced his concern regarding the water table issue and stated that proper inspections needed to be passed. Mr. Dunn provided pictures that showed dump trucks in the neighborhood at 7:15 p.m. He felt the permit should be denied until it was restructured with the proper provisions to cover all the issues presented.

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Sylvia Clements, 4751 SW 30 Street, stated that there were several issues that needed to be taken into consideration prior to approval.

Mr. Kiar closed the public hearing.

Public Works/Capital Projects Director Bruce Bernard requested that a stipulation be included that the road would be cleaned immediately rather than within 24 hours. He also wanted to see a limit set as to the length of time to bring in fill.

Mayor Truex asked how many trucks and what type and size would be involved in the operation. Mr. Chamberlain indicated that 20 yard trucks would be used requiring 2,400 round trips.

Mayor Truex inquired as to how many days would be involved in the operation. Mr. Chamberlain could not give an answer as to the availability and sources of fill until the permit was approved; however, stipulated that if approved, it would be from 8:00 a.m. to 5:00 p.m., Monday through Friday. He also stipulated that if approved, he would clean up the fugitive dust within 24 hours. Mr. Chamberlain added that a bond would be set by the Town Engineer.

Vice-Mayor Starkey disclosed that she had received an e-mail from Mr. Bartlett and had spoken to Mr. Chamberlain regarding the fill permit. Councilmember Crowley disclosed that he spoke to Neil Janoff, the engineer of record for the project.

Vice-Mayor Starkey addressed the issues regarding the flood plain surface in the pond and suggested that Councilmember Crowley would be the best to discuss the issue. She stated that something needed to be resolved regarding the trucks coming in after 7:00 p.m. Mr. Chamberlain stated that he thought they had made a fair compromise to the residents regarding the time issue.

Mr. Dunn requested that there be a financial deterrent stipulation added regarding the water table and time issue. Mayor Truex asked Mr. Dunn if he felt the residents would like to meet with the developer to resolve the issues. Mr. Dunn agreed to meet with Mr. Chamberlain.

Vice-Mayor Starkey asked to meet with the community, Mr. Peters and Mr. Chamberlain to put the agreement into written form so that all could sign off on.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table the item to September 3, 2003. In a voice vote, with Councilmembers Hubert and Paul being absent, all voted in favor. (Motion carried 3-0)

- 6.12. **SPECIAL PERMIT** - SE 5-2-03, Megatran, Inc./Longhorn Property Management, Inc. (M-3) (to allow for an office trailer to be installed in the northwest corner of the property) *Planning and Zoning Board recommended approval with the stipulation that the approval expires March 2006 and should be reviewed for renewal by the Planning and Zoning Board and Town Council*

Mayor Truex turned this portion over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the planning report.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

John Bradley, representing the petitioner, provided a landscaping plan on the project.

Mr. Acosta, also representing the petitioner, stated that they served the needs of the high voltage electrical construction underground for Dade and Broward County. With the approval of this permit, they would be able to better serve the needs of Broward County.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Paul - absent. (Motion carried 3-0)

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Items to be Tabled

6.13. PLANNING AND ZONING BOARD TABLED TO AUGUST 13, 2003; COUNCIL CAN TABLE TO AUGUST 20, 2003

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

6.14. STAFF REQUESTING A TABLING TO AUGUST 20, 2003

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 4703 SW 148 Avenue) (tabled from July 2, 2003) Planning and Zoning Board recommended approval

This item was tabled earlier in the meeting.

6.15. APPLICANT REQUESTING A TABLING TO AUGUST 20, 2003

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-03, Miller, Legg & Associates, Inc./Centex Homes Inc., 6800 Griffin Road) (tabled from Jun 4, 2003) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

7. APPOINTMENTS

All appointments were deferred.

7.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

7.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

7.3. Senior Citizen Advisory Board (one exclusive appointment - Mayor Truex ; term expires April 2004) (members shall be a minimum 60 years of age)

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- 7.4. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

8. OLD BUSINESS

There was no old business to be discussed.

9. NEW BUSINESS

9.1 TU 7-2-03, Rolling Hills Executive Center, 7950 SW 30 Street

Vice-Mayor Starkey indicated her confusion as to the location of the trailer and its duration. Mr. Kutney clarified the location and indicated that the duration was for 12 months.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, with Councilmembers Hubert and Paul being absent, all voted in favor. (Motion carried 3-0)

9.2 TU 7-7-03, Family Service Agency, Inc., 3347 North University Drive

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Councilmembers Hubert and Paul being absent, all voted in favor. (Motion carried 3-0)

10. MAYOR/COUNCILMEMBER'S COMMENTS

MULCHING. Councilmember Crowley stated his comments regarding the mulching operation on University Drive and asked that Code Compliance look into this. Mr. Kutney indicated that Code Compliance Official Daniel Stallone was looking into this issue because the Right to Farm Act provided certain protections.

NEXT MEETING. Mayor Truex asked that Charter Amendments and the Computer Usage Policy be placed on the next agenda under New Business.

11. TOWN ADMINISTRATOR'S COMMENTS

LEONARD COSTANZA. Mr. Willi recognized Leonard Costanza, a longtime, highly respected employee that would be retiring from the Town due to some health conditions. Mr. Kiar shared Mr. Willi's sentiments regarding Mr. Costanza.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 2:13 a.m.

Approved _____

Mayor/Councilmember

Town Clerk

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